



**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application.

**Listing of Claims:**

1. (Currently Amended) A method for treating an airway condition of a patient, said method comprising:

selecting an implant of solid material of a pre-formed dimension and dimensioned so as to be implanted into a tissue of an upper airway of said patient, said implant having mechanical characteristics for said implant to resist deflection of said tissue and urge a deflected tissue to return to a rest state; and

implanting said implant into said tissue.

2. (Currently Amended) A method ~~according to claim 1~~ for treating an airway condition of a patient, said method comprising:

selecting an implant dimensioned so as to be implanted into a tissue of an upper airway of said patient, said implant having mechanical characteristics for said implant to resist deflection of said tissue and urge a deflected tissue to return to a rest state;

implanting said implant into said tissue; and

wherein said implant is metal.

3. (Original) A method according to claim 2 wherein said metal is nitinol.

4. (Original) A method according to claim 1 wherein said implant has tissue in-growth areas.

5. (Original) A method according to claim 3 wherein said nitinol implant has an open cell structure.

6. (Original) A method according to claim 1 wherein said condition is snoring.

7. (Original) A method according to claim 1 wherein said tissue is a soft palate.

8. (Original) A method according to claim 1 wherein said implant is not connected to a bony structure.

9. (Currently Amended) An apparatus for treating an airway condition of a patient, said apparatus comprising:

an implant of solid material of a pre-formed dimension and dimensioned so as to be implanted into said tissue;

said implant having a mechanical characteristic for said implant to resist deflection of said tissue and urge a deflected tissue to return to a rest state.

10. (Currently Amended) An apparatus ~~according to claim 9~~ for treating an airway condition of a patient, said apparatus comprising:

an implant dimensioned so as to be implanted into said tissue;

said implant having a mechanical characteristic for said implant to resist deflection of said tissue and urge a deflected tissue to return to a rest state; and

wherein said implant is metal.

11. (Original) An apparatus according to claim 10 wherein said metal is nitinol.

12. (Original) An apparatus according to claim 9 wherein said implant has tissue in-growth areas.

13. (Original) An apparatus according to claim 11 wherein said nitinol implant has an open cell structure.

14. (New) A method according to claim 2 wherein said implant has tissue in-growth areas.

15. (New) A method according to claim 2 wherein said implant is not connected to a bony structure.

16. (New) A method according to claim 2 wherein said tissue is a soft palate.

17. (New) A method according to claim 2 wherein said airway condition is snoring.

18. (New) An apparatus according to claim 9 wherein said tissue is a soft palate and said implant is dimensioned so as to be implanted into said soft palate.

19. (New) An apparatus according to claim 10 wherein said tissue is a soft palate and said implant is dimensioned so as to be implanted into said soft palate.